

CI-14-08

1FW 1656



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Firoz D. ANTIA et al.

Art Unit: 1656

Serial No.: 10/569,155

Examiner: Agnes Beata ROOKE

Filed: February 21, 2006

Case No.: 21459YP USA

For: STATIONARY PHASES AND A
PURIFICATION PROCESS USING THE
STATIONARY PHASESCommissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**RESPONSE TO RESTRICTION REQUIREMENT**

Sir:

In response to the Office Action mailed December 13, 2007, which set a one-month period for response, please consider the following remarks.

Claims 1-14 are pending in this application.

In the December 13, 2007, Office Action, restriction of the pending claims under 35 U.S.C. §§121 into one of the following Groups was required:

- Group I: claims 1 and 2, drawn to a composition;
Group II: claims 3-11, drawn to a method for the purification of a peptide or a lipopeptide; and
Group III: claims 12-14, drawn to a method for the purification of Pneumocandin B.

EXPRESS MAIL CERTIFICATE

DATE OF DEPOSIT: 1/11/08EXPRESS MAIL NO.: EM 106886855 75

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS
BEING DEPOSITED WITH THE UNITED STATES POSTAL
SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE"
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ALEXANDRIA, VA 22313-1450

MAILED BY: Gabriele B. CrowleyDATE: 1/11/08

The Office Action asserts that the subject matter of the claims of Groups I-III are distinct. Specifically, the Office Action asserts that Groups I and II and Groups I and III are related as product and process of use, but that Groups II and III are unrelated.

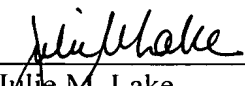
While Applicants do not necessarily agree with all of the above assertions, Applicants hereby elect Group I for initial prosecution on the merits, in response to the Restriction Requirement. Applicants hereby request that, upon allowance of the subject matter of Group I, Groups II and III be examined on the merits.

It is respectfully submitted that search and examination of the entire application could be made without serious burden. *See* MPEP §803, in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

In view of these arguments, Applicants respectfully submit that this application is in condition for allowance. The Examiner is invited to contact the undersigned at the telephone number set forth below, should he believe that anything further is necessary to place this application in even better form for allowance.

Please charge Deposit Account No. 13-2755 for any fees due in connection with this Amendment. If any time extensions are needed for the timely filing of this Amendment, Applicants petition for such extensions and authorize the charging of Deposit Account No. 13-2755 for the necessary fees.

Respectfully submitted,

By 
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Date: January 11, 2008